

P-451/M-89-23 TO SHOW CAUSE WHY CERTIFICATE OF AUTHORITY SHOULD NOT BE
REVOKED

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

| | |
|----------------------|--------------|
| Barbara Beerhalter | Chair |
| Cynthia A. Kitlinski | Commissioner |
| Norma McKanna | Commissioner |
| Robert J. O'Keefe | Commissioner |
| Darrel L. Peterson | Commissioner |

In the Matter of a Petition by the Department
of Public Service to Revoke the Certificate of
Authority of Intelcom Corporation

ISSUE DATE: March 17, 1989

DOCKET NO. P-451/M-89-23

ORDER TO SHOW CAUSE WHY
CERTIFICATE OF AUTHORITY SHOULD
NOT BE REVOKED

PROCEDURAL HISTORY

On January 13, 1989 the Department of Public Service (the Department) filed a petition to revoke Intelcom Corporation's certificate of authority to provide telecommunications services within the State of Minnesota. That certificate was granted in 1984 under docket number P-451/NA-84-554.

The Department stated that Intelcom Corporation (Intelcom or the Company) had not updated its tariffs since 1984, had failed to file annual reports required under Minnesota law, and had failed to respond to communications from the Department. The Department reported that Intelcom's registered agent had informed them the Company had filed bankruptcy. The Department concluded Intelcom was no longer offering service within the State of Minnesota.

The Company did not respond to the Department's petition.

FINDINGS AND CONCLUSIONS

The Commission finds that Intelcom Corporation has failed to maintain on file with the Department accurate schedules of its rates, tolls, and charges, as required by Minn. Stat. § 237.07 (1988). The Company has failed to file annual reports, as required under Minn. Rules, part 7810.6400. The Company has failed to respond to communications from the Department, including the petition to revoke its certificate of authority now before the Commission. These failings raise serious concerns about the Company's ability to provide safe and reliable service and to respond promptly and fairly to customer complaints.

Normally, the Commission addresses allegations of inadequate service, unreasonable rates, or improper practices under the summary investigation and hearing procedures of Minn. Stat. § 237.081 (1988) or the complaint procedures of Minn. Stat. §§ 216.13 et seq. (1988). In this case, however, there is a substantial possibility that the Company whose actions are at issue no longer does business in this state. If that is true, initiating formal investigatory proceedings would make substantial demands on Department and Commission resources for no useful purpose.

The Commission will therefore issue an order requiring the Company to show cause why its certificate of authority should not be revoked. If the Company demonstrates a desire to do business in the state by responding to the Order, the Commission will initiate proceedings to determine whether its continued operation is in the public interest. If the Company fails to respond to the Order, the Commission will revoke its certificate of authority.

ORDER

1. Within 30 days of the date of this Order Intelcom Corporation shall make a filing showing cause why its certificate of authority to provide telecommunications services within the State of Minnesota should not be revoked.
2. If Intelcom Corporation fails to make a filing under paragraph 1 within 30 days of the date of this Order, the Commission will revoke its certificate of authority.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Mary Ellen Hennen
Executive Secretary

(S E A L)